

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

William Charles Graham,

Case No. 20-cv-1204 (WMW/LIB)

Petitioner,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

U.S. Marshal and Joel L. Brott, *Sherburne
County Jail*,

Respondents.

This matter is before the Court on the June 29, 2020 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois. (Dkt. 16.) The R&R recommends dismissing Petitioner William Charles Graham's petition for a writ of habeas corpus, denying Graham's motion for a temporary restraining order, and denying Graham's application to proceed *in forma pauperis* as moot. The R&R concludes that Graham has not exhausted all other remedies as to the arguments raised in his petition for habeas relief under 28 U.S.C. § 2241. Federal pre-trial detainees, such as Graham, "can obtain habeas review of pre-trial decisions only if they exhaust all other remedies." *Bakke v. United States*, No. 19-cv-2501 (JRT/TNL), 2019 WL 5579599, at *1 (D. Minn. Oct. 3, 2019).

A district court reviews *de novo* those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1)(C). In doing so, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; accord Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). Graham filed timely objections to the R&R. But Graham does not object to the R&R's conclusion that

Graham failed to exhaust all other remedies as to the arguments raised in his petition. Nor does Graham raise any other objection that is germane to the recommended disposition. The factual background in this matter is clearly and precisely set forth in the R&R and is incorporated by reference for purposes of Graham's objections. Based upon a *de novo* review of the record, the Court concludes that the recommended disposition is supported by the record and controlling legal principles.

Based on the R&R, the foregoing analysis and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner William Charles Graham's Petition for a Writ of Habeas Corpus, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.

2. Petitioner's Application to Proceed *in forma pauperis*, (Dkt. 2), is **DENIED AS MOOT**.

3. Petitioner's Motion for Temporary Restraining Order, (Dkt. 11), is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 20, 2020

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge